

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

SANDRA CYRUS, *et al.*,

Plaintiffs,

v.

Civil Action Number 2:12-cv-01283

ETHICON, INC., *et al.*,

Defendants.

MEMORANDUM OPINION AND ORDER

On November 30, 2020, the court entered an Order directing plaintiffs, through their counsel, to indicate (1) whether they intend to terminate representation by plaintiffs' counsel as previously indicated in counsel's motion to withdraw; and (2) whether they wish to proceed with this case or dismiss this case and close it. [ECF No. 78]. On December 14, 2020, plaintiffs' counsel filed a second motion to withdraw as counsel stating that counsel attempted several times to contact plaintiffs by phone and mail. Plaintiffs were unresponsive. [ECF No. 79].

The court **ORDERS**, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and Rule 41.1 of the Local Rules of Civil Procedure and after weighing the factors identified in *Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989), that Ethicon, Inc. and Johnson & Johnson are dismissed without prejudice. All pending motions in the case are **DENIED** as moot. No defendants remain, and the court **DIRECTS** the Clerk to dismiss the case and strike it from the active docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: December 15, 2020


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE